

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred House Bill 1804, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 40.5. "Proof of identification" refers to a
- 6 document that satisfies all the following:
- 7 (1) The document shows the name of the individual to whom the
- 8 document was issued, and the name conforms to the name in the
- 9 individual's voter registration record.
- 10 (2) The document shows a photograph of the individual to whom
- 11 the document was issued.
- 12 (3) The document includes an expiration date, and the document:
- 13 (A) is not expired; or
- 14 (B) expired after the date of the most recent general election.
- 15 (4) The document was issued by **any of the following**:
- 16 (A) The United States. ~~or~~ **Notwithstanding subdivision (3),**

1 **a document issued by the United States Department of**
 2 **Defense, a branch of the uniformed services, the Merchant**
 3 **Marine, or the Indiana National Guard that:**

4 **(i) otherwise complies with the requirements of this**
 5 **section; and**

6 **(ii) has no expiration date or states that the document**
 7 **has an indefinite expiration date;**

8 **is sufficient proof of identification for purposes of this title.**

9 **(B) The state of Indiana.**

10 **(C) An approved institution of higher learning (as defined**
 11 **in IC 20-12-21-3).**

12 SECTION 2. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 14 UPON PASSAGE]: **Sec. 2.5. (a) This section applies to an absentee**
 15 **ballot cast by an individual confined in a long term care facility.**

16 **(b) A person may not challenge the right of an individual to vote**
 17 **at an election by absentee ballot solely on the basis that the address**
 18 **on the individual's application for an absentee ballot differs from**
 19 **the address shown on the individual's voter registration record.**

20 SECTION 3. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,
 21 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: **Sec. 7.2. (a) Except as provided in subsection (e),**
 23 **a voter who desires to vote an official ballot at a primary election shall**
 24 **provide proof of identification.**

25 **(b) Except as provided in subsection (e), before the voter proceeds**
 26 **to vote in a primary election, a member of the precinct election board**
 27 **shall ask the voter to provide proof of identification. The voter must**
 28 **produce the proof of identification before being permitted to sign the**
 29 **poll list.**

30 **(c) If:**

31 **(1) the voter is unable or declines to present the proof of**
 32 **identification; or**

33 **(2) a member of the precinct election board determines that the**
 34 **proof of identification presented by the voter does not qualify as**
 35 **proof of identification under IC 3-5-2-40.5;**

36 **a member of the precinct election board shall challenge the voter as**
 37 **prescribed by IC 3-11-8.**

38 **(d) If the voter executes a challenged voter's affidavit under section**

9 of this chapter or IC 3-11-8-22.1, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter described by either of the following is not required to provide proof of identification before voting in a primary election:

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:

(A) The voter is:

- (i) indigent; and**
- (ii) unable to obtain proof of identification without the payment of a fee.**

(B) The voter has a religious objection to being photographed."

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 5. IC 3-11-3-22, AS AMENDED BY P.L.164-2006, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, ~~braille~~, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must inform all voters that a voter:

- (1) who wants to cast write-in votes may cast the voter's ballot on the voting system required to be available to all voters in the

precinct under IC 3-11-15-13.3(e); and

(2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

(c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards.

SECTION 6. IC 3-11-4-17.5, AS AMENDED BY P.L.164-2006, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

(1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;

(2) the information set forth on the application appears to be true; and

(3) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (3), the issue shall be referred to the county election board for determination.

If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

(b) If:

(1) the applicant is not a voter of the precinct according to the registration record; or

(2) the application as completed and filed:

(A) contains a false statement; or

(B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board shall deny the application.

(c) ~~This subsection applies to an absentee ballot application~~

submitted by an absent uniformed services voter or an overseas voter.
 In accordance with 42 U.S.C. 1973ff-1(d), If the application is denied,
 the county election board shall provide the voter with the reasons for
 the denial of the application. Unless the voter is present when the board
 denies the application, the board shall send a written notice stating the
 reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is
 denied; and
- (2) to the voter at the address at which the voter requested that the
 absentee ballot be mailed.

**The notice must include information telling the applicant how the
 application can be corrected and can be approved, if possible.**

(d) If the county election board determines that the applicant is a
 voter of the precinct under subsection (a), the board shall then
 determine whether:

- (1) the applicant was required to file any additional
 documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the
 records of the county voter registration office.

If the applicant has not filed the required documentation, the county
 election board shall approve the application if the application otherwise
 complies with this chapter. The board shall add a notation to the
 application and to the record compiled under section 17 of this chapter
 indicating that the applicant will be required to provide additional
 documentation to the county voter registration office under
 IC 3-7-33-4.5 before the absentee ballot may be counted.

(e) If the applicant:

- (1) is a voter of the precinct according to the registration record;
- (2) states on the application that the applicant resides at an
 address that is within the same precinct but is not the same
 address shown on the registration record; and
- (3) provides a voter identification number on the application to
 permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration
 office to transfer the applicant's voter registration address to the
 address within the precinct shown on the application. The applicant's
 application for an absentee ballot shall be approved if the applicant is
 otherwise eligible to receive the ballot under this chapter.

SECTION 7. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006,
SECTION 100, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in
subsection (e), a voter who desires to vote an official ballot at an
election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds
to vote in the election, a member of the precinct election board shall
ask the voter to provide proof of identification. The voter shall produce
the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of
identification; or

(2) a member of the precinct election board determines that the
proof of identification provided by the voter does not qualify as
proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as
prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section
22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

**(e) A voter described by either of the following is not required
to provide proof of identification before voting in an election:**

**(1) A voter who votes in person at a precinct polling place that is
located at a state licensed care facility where the voter resides. ~~is
not required to provide proof of identification before voting in an
election.~~**

**(2) A voter who executes an affidavit, in the form prescribed
by the commission, affirming under the penalties of perjury
that the voter satisfies either of the following:**

(A) The voter is:

(i) indigent; and

**(ii) unable to obtain proof of identification without the
payment of a fee.**

**(B) The voter has a religious objection to being
photographed.**

(f) After a voter has passed the challengers or has been sworn in, the
voter shall be instructed by a member of the precinct election board to

1 proceed to the location where the poll clerks are stationed. The voter
2 shall announce the voter's name to the poll clerks or assistant poll
3 clerks. A poll clerk, an assistant poll clerk, or a member of the precinct
4 election board shall require the voter to write the following on the poll
5 list:

6 (1) The voter's name.

7 (2) Except as provided in subsection (k), the voter's current
8 residence address.

9 (g) The poll clerk, an assistant poll clerk, or a member of the
10 precinct election board shall:

11 (1) ask the voter to provide or update the voter's voter
12 identification number;

13 (2) tell the voter the number the voter may use as a voter
14 identification number; and

15 (3) explain to the voter that the voter is not required to provide or
16 update a voter identification number at the polls.

17 (h) The poll clerk, an assistant poll clerk, or a member of the
18 precinct election board shall ask the voter to provide proof of
19 identification.

20 (i) In case of doubt concerning a voter's identity, the precinct
21 election board shall compare the voter's signature with the signature on
22 the affidavit of registration or any certified copy of the signature
23 provided under IC 3-7-29. If the board determines that the voter's
24 signature is authentic, the voter may then vote. If either poll clerk
25 doubts the voter's identity following comparison of the signatures, the
26 poll clerk shall challenge the voter in the manner prescribed by section
27 21 of this chapter.

28 (j) If, in a precinct governed by subsection (g):

29 (1) the poll clerk does not execute a challenger's affidavit; or

30 (2) the voter executes a challenged voter's affidavit under section
31 22.1 of this chapter or executed the affidavit before signing the
32 poll list;

33 the voter may then vote.

34 (k) Each line on a poll list sheet provided to take a voter's current
35 address must include a box under the heading "Address Unchanged"
36 so that a voter whose residence address shown on the poll list is the
37 voter's current residence address may check the box instead of writing
38 the voter's current residence address on the poll list.

SECTION 8. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 9. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following

1 words: "This envelope contains an absentee ballot and must be opened
2 only at the polls on election day while the polls are open."

3 SECTION 10. IC 3-11-10-12, AS AMENDED BY P.L.164-2006,
4 SECTION 106, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Each county election
6 board shall have all absentee ballots delivered to the precinct election
7 boards at their respective polls on election day.

8 (b) The absentee ballots shall be delivered during the hours that the
9 polls are open. ~~and in sufficient time to enable~~ The precinct election
10 ~~boards to shall~~ vote the ballots **received** during the time the polls are
11 open. **Any ballots received by the precinct election board after the**
12 **polls are closed shall be returned to the county election board for**
13 **counting under section 14 of this chapter.**

14 (c) Along with the absentee ballots delivered to the precinct election
15 boards under subsection (a), each county election board shall provide
16 a list certified by the circuit court clerk. This list must state the name
17 of each voter subject to IC 3-7-33-4.5 who:

18 (1) filed the documentation required by IC 3-7-33-4.5 with the
19 county voter registration office after the printing of the certified
20 list under IC 3-7-29 or the poll list under IC 3-11-3; and

21 (2) as a result, is entitled to have the voter's absentee ballot
22 counted if the ballot otherwise complies with this title.

23 (d) If the county election board is notified not later than 3 p.m. on
24 election day by the county voter registration office that a voter subject
25 to IC 3-7-33-4.5 and not identified in the list certified under subsection
26 (c) has filed documentation with the office that complies with
27 IC 3-7-33-4.5, the county election board shall transmit a supplemental
28 certified list to the appropriate precinct election board. If the board
29 determines that the supplemental list may not be received before the
30 closing of the polls, the board shall:

31 (1) attempt to contact the precinct election board to inform the
32 board regarding the content of the supplemental list; and

33 (2) file a copy of the supplemental list for that precinct as part of
34 the permanent records of the board.

35 (e) This subsection applies to a special write-in absentee ballot
36 described in:

37 (1) 42 U.S.C. 1973ff for federal offices; and

38 (2) IC 3-11-4-12(a) for state offices.

1 If the county election board receives both a special write-in absentee
 2 ballot and the regular absentee ballot described by IC 3-11-4-12 from
 3 the same voter, the county election board shall reject the special
 4 write-in ballot and deliver only the regular absentee ballot to the
 5 precinct election board.

6 SECTION 11. IC 3-11-10-14, AS AMENDED BY P.L.198-2005,
 7 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 14. **(a)** Subject to section 11 of this chapter,
 9 absentee ballots received by mail (or by fax or electronic mail under
 10 IC 3-11-4-6) after the county election board has started the final
 11 delivery of the ballots to the precincts on election day **shall be**
 12 **delivered to the county election board for counting.**

13 **(b) An absentee ballot delivered to the county election board**
 14 **under subsection (a) shall be counted by the county election board**
 15 **if the ballot is not otherwise successfully challenged under this title.**

16 **(c) The election returns from the precinct shall be adjusted to**
 17 **reflect the votes on an absentee ballot required to be counted under**
 18 **subsection (b).**

19 **(d) Except as provided in subsection (e), absentee ballots**
 20 **received by the county election board after the close of the polls on**
 21 **election day are considered as arriving too late and need may not be**
 22 **delivered to the polls; counted.**

23 **(e) Absentee ballots received by the precinct election board as**
 24 **described in section 12(b) of this chapter after the close of the polls**
 25 **shall be returned to the county election board and be counted as**
 26 **provided in this section.**

27 SECTION 12. IC 3-11-10-15 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. At any time
 29 between the opening and closing of the polls on election day, the
 30 inspector, in the presence of the precinct election board, shall do all of
 31 the following:

- 32 (1) Open the outer or carrier envelope containing an absentee
- 33 ballot envelope and application.
- 34 (2) Announce the absentee voter's name.
- 35 (3) Compare the signature upon the ~~application~~ **voter's affidavit**
- 36 **of registration** with the signature upon the affidavit on the ballot
- 37 envelope or transmitted affidavit attached to the ballot envelope.

38 SECTION 13. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,

SECTION 109, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2007]: Sec. 26. (a) As an alternative to voting
 by mail, a voter is entitled to cast an absentee ballot before an absentee
 voter board:

(1) in the office of the circuit court clerk (or board of elections
 and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this
 chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission
 under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the
 circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine~~
~~(29)~~ **twenty-eight (28)** days nor later than noon on the day before
 election day.

(d) An absent uniformed services voter who is eligible to vote by
 absentee ballot in the circuit court clerk's office under IC 3-7-36-14
 may vote before the board not earlier than ~~twenty-nine (29)~~
twenty-eight (28) days before the election and not later than noon on
 election day. If a voter described by this subsection wishes to cast an
 absentee ballot during the period beginning at noon on the day before
 election day and ending at noon on election day, the county election
 board or absentee voter board may receive and process the ballot at a
 location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk
 must permit voters to cast absentee ballots under this section for at
 least seven (7) hours on each of the two (2) Saturdays preceding
 election day.

(f) Notwithstanding subsection (e), in a county with a population of
 less than twenty thousand (20,000), the absentee voter board in the
 office of the circuit court clerk, with the approval of the county election
 board, may reduce the number of hours available to cast absentee
 ballots under this section to a minimum of four (4) hours on each of the
 two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee
 ballot under this section must be:

(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).

SECTION 14. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot rejected under section 13 of this chapter:

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the ~~application with the signature~~
~~upon the~~ affidavit on the ballot envelope or transmitted affidavit
with the signature on the voter's affidavit of registration.

SECTION 15. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005,
 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 10. Subject to section 7 of this chapter,
 absentee ballots received by mail (or by fax or electronic mail under
 IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are
 considered as arriving too late and may not be counted.

SECTION 16. IC 3-11.5-4-18 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. If a voter has not
 returned an absentee ballot, the voter may vote in person. However,
 before the voter may vote, the voter must return the ballot to the
precinct election board or the county election board. The absentee
 ballot shall be marked "canceled" and preserved with the rejected
 ballots.

SECTION 17. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005,
 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26
 as a result of the voter's inability or declination to provide proof
 of identification; and

(2) cast a provisional ballot;

may personally appear before the circuit court clerk or the county
 election board not later than the deadline specified by section 1 of this
 chapter for the county election board to determine whether to count a
 provisional ballot.

(b) Except as provided in subsection (c), ~~or (c)~~; if the voter:

(1) provides proof of identification to the circuit court clerk or
 county election board; and

(2) executes an affidavit before the clerk or board, in the form
 prescribed by the commission, affirming under the penalties of
 perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board;
 and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot
 is valid and direct that the provisional ballot be opened under section

- 1 4 of this chapter and processed in accordance with this chapter.
- 2 (c) If the voter executes an affidavit before the circuit court clerk or
- 3 county election board, in the form prescribed by the commission,
- 4 affirming under the penalties of perjury that:
- 5 (1) the voter is the same individual who:
- 6 (A) personally appeared before the precinct election board;
- 7 and
- 8 (B) cast the provisional ballot on election day; and
- 9 (2) the voter:
- 10 (A) is:
- 11 (i) indigent; and
- 12 (ii) unable to obtain proof of identification without the
- 13 payment of a fee; or
- 14 (B) has a religious objection to being photographed;
- 15 the county election board shall determine whether the voter has been
- 16 challenged for any reason other than the voter's inability or declination
- 17 to present proof of identification to the precinct election board:
- 18 (d) If the county election board determines that the voter described
- 19 in subsection (c) has been challenged solely for the inability or
- 20 declination of the voter to provide proof of identification, the county
- 21 election board shall:
- 22 (1) find that the voter's provisional ballot is valid; and
- 23 (2) direct that the provisional ballot be:
- 24 (A) opened under section 4 of this chapter; and
- 25 (B) processed in accordance with this chapter:
- 26 (e) (c) If the county election board determines that a voter described
- 27 in subsection (b) or (c) has been challenged for a cause other than the
- 28 voter's inability or declination to provide proof of identification, the
- 29 board shall:
- 30 (1) note on the envelope containing the provisional ballot that the
- 31 voter has complied with the proof of identification requirement;
- 32 and
- 33 (2) proceed to determine the validity of the remaining challenges
- 34 set forth in the challenge affidavit before ruling on the validity of
- 35 the voter's provisional ballot.
- 36 (f) (d) If a voter described by subsection (a) fails by the deadline for
- 37 counting provisional ballots referenced in subsection (a) to:
- 38 (1) appear before the county election board; and

(2) execute an affidavit in the manner prescribed by subsection
(b); ~~or (c);~~

the county election board shall find that the voter's provisional ballot
is invalid.

SECTION 18. IC 3-12-1-12 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section
applies to votes cast by any method.

(b) Except as provided in section 13 of this chapter, a ballot that has
been marked and cast by a voter in compliance with this title but may
otherwise not be counted solely as the result of the act or failure to act
of an election officer ~~may nevertheless~~ **shall** be counted ~~in a~~
~~proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11~~ unless evidence
of fraud, tampering, or misconduct affecting the integrity of the ballot
is presented. ~~by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself
evidence of fraud, tampering, or misconduct affecting the integrity of
the ballot.

SECTION 19. IC 3-12-4-18, AS AMENDED BY P.L.221-2005,
SECTION 105, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 18. If electronic voting systems
are used in a precinct, the county election board may ~~request~~
~~authorization from the state recount commission to~~ inspect the
registering counter or other recording device on any electronic voting
system showing the number of votes cast for any candidate or public
question. ~~If authorized by the state recount commission,~~ The board may
conduct an inspection either before it proceeds to count and tabulate
the vote or within one (1) day after the count and tabulation are
finished.

SECTION 20. IC 5-10.1-2-9 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
JANUARY 1, 2007 (RETROACTIVE)]: **Sec. 9. (a) Services
performed by an election official or an election worker for
calendar year 2007 in which the remuneration paid for such
services is less than one thousand three hundred dollars (\$1,300),
and for each calendar year after 2007 in which the remuneration
paid is less than the adjusted amount, as described in subsection
(b), beginning with services performed in the year that this
modification was mailed or delivered by other means to the**

1 **Commissioner of Social Security.**

2 **(b) The one thousand three hundred dollar (\$1,300) limit on the**
 3 **excludable amount of remuneration paid in a calendar year for the**
 4 **services specified in this modification will be subject to adjustment**
 5 **for calendar years after 2007 to reflect changes in wages in the**
 6 **economy without any further modification of the agreement, with**
 7 **respect to such services performed during such calendar years, in**
 8 **accordance with Section 218(c)(8)(B) of the Social Security Act.**

9 **(c) This exclusion applies to all coverage groups of the state and**
 10 **its political subdivisions currently (as of the date this modification**
 11 **is executed), including under this agreement and to which the**
 12 **agreement is hereafter made applicable.**

13 SECTION 21. IC 20-23-8-10, AS ADDED BY P.L.1-2005,
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2007]: Sec. 10. (a) A change in a plan may be initiated by one
 16 (1) of the following procedures:

17 (1) By filing a petition signed by at least ~~twenty~~ **ten** percent
 18 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of
 19 the school corporation with the clerk of the circuit court.

20 (2) By a resolution adopted by the governing body of the school
 21 corporation.

22 (3) By ordinance adopted by a city legislative body under section
 23 13 of this chapter.

24 (b) A petition, resolution, or ordinance must set forth a description
 25 of the plan that conforms with section 7 of this chapter.

26 ~~(c) Except as provided in subsection (a)(1), in a city having a~~
 27 ~~population of more than fifty-nine thousand seven hundred (59,700)~~
 28 ~~but less than sixty-five thousand (65,000), a change in a plan may be~~
 29 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~
 30 ~~voters of the school corporation with the clerk of the circuit court.~~

31 SECTION 22. IC 20-23-8-14, AS ADDED BY P.L.1-2005,
 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2007]: Sec. 14. (a) Not more than ten (10) days after a
 34 governing body has:

35 (1) initiated;

36 (2) approved; or

37 (3) disapproved;

38 a plan initiated by the petition filed with it, the governing body shall

publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting a plan shall be signed by at least ~~twenty~~ **ten percent (20%) (10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty~~ **ten percent (20%) (10%)** of the **active voters (as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this

1 chapter; or
 2 (3) combination with another plan by the state board under
 3 section 15 of this chapter.
 4 SECTION 23. IC 3-14-2-29 IS REPEALED [EFFECTIVE UPON
 5 PASSAGE].
 6 SECTION 24. **An emergency is declared for this act.**
 7 Delete page 3.
 8 Renumber all SECTIONS consecutively.
 (Reference is to HB 1804 as introduced.)

and when so amended that said bill do pass.

Representative Pierce